

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

HERMAN K. ALLEN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:11CV2224 HEA
)	
STATE OF MISSOURI d/b/a)	
DEPARTMENT OF SOCIAL SERVICES,)	
DIVISION OF YOUTH, et al.,)	
)	
Defendants.)	

OPINION, MEMORANDUM AND ORDER

Plaintiff brings this action pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-2000e-17, against defendants State of Missouri d/b/a Department of Social Services, Division of Youth and Michelle Struemp. Liberally construing the complaint, Michelle Struemp appears to be a supervisory employee with the Missouri Department of Social Services.

Title VII imposes liability only against an “employer” who engages in certain discriminatory practices. As such, plaintiff's claims against State of Missouri d/b/a Department of Social Services, Division of Youth are not subject to dismissal at this time. As to supervisory employees, however, the United States Court of Appeals for the Eighth Circuit has squarely held that “supervisors may not be held individually liable under Title VII.” Bonomolo-Hagen v. Clay Central-Everyly Community School District, 121 F.3d 446, 447 (8th Cir. 1997)(citing Spencer v. Ripley County State Bank, 123 F.3d 690, 691-92 (8th Cir. 1997)(per curiam); see Bales v. Wal-Mart Stores, Inc., 143 F.3d 1103, 1110-11 (8th Cir. 1998). Thus, as to defendant Michelle Struemp, the complaint will be dismissed as legally frivolous.

Therefore,

IT IS HEREBY ORDERED that the Clerk shall issue process or cause process to be issued upon the complaint as to defendant State of Missouri d/b/a Department of Social Services, Division of Youth.

IT IS FURTHER ORDERED that, as to defendant Michelle Struemp, the Clerk shall not issue process or cause process to be issued, because the complaint is legally frivolous and fails to state a claim or cause of action. See 28 U.S.C. § 1915(e)(2)(B).

A separate Order of Partial Dismissal shall accompany this Memorandum and Order.

Dated this 10th day of February, 2012.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", written over a horizontal line.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE